

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIFFANY RECINOS,

Plaintiff,

v.

BOARD OF INDUSTRIAL INSURANCE
APPEALS, and JUDGE TIMOTHY L.
WAKENSHAW,

Defendants.

Case No. C23-05473RSM

ORDER REVOKING IN FORMA
PAUPERIS STATUS ON APPEAL

This matter comes before the Court on a referral from the Ninth Circuit to determine whether in forma pauperis (“IFP”) status should continue on appeal. Dkt. #94. *Pro se* Plaintiff Tiffany Recinos was granted leave to proceed IFP in this matter on June 14, 2023. Dkt. #8.

On June 26, 2023, Plaintiff’s claims were dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B). Dkt. #36. The case was closed. *Id.* Plaintiff’s Motion for Reconsideration was denied. Dkt. #39. Plaintiff continued to file dozens of motions, letters, and other documents. The Court issued several Minute Orders striking these improper filings. Dkts. #41, #52, #55, and #58. The Court eventually stated, “[a]ll future motions filed in this case will be immediately stricken.” Dkt. #58. That was on August 1, 2023. Ms. Recinos filed 30 improper motions, letters, and notices with the Court after that date but before her Notice of Appeal, filed

1 on October 4, 2023. *See* Docket. An amended notice of appeal was filed four days after that.
2 These appeals refer back to the June 26, 2023, Order dismissing Plaintiff's claims. Dkts. #89
3 and #90.

4 Where, as here, a party was permitted to proceed IFP in the District Court, the party
5 may proceed on appeal in forma pauperis without further authorization unless the District Court
6 certifies in writing that the appeal is not taken in good faith or that the party is not otherwise
7 entitled to proceed IFP. Fed. R. App. P. 24(a)(3); 28 U.S.C. § 1915(a)(3) ("An appeal may not
8 be taken in forma pauperis if the trial court certifies in writing that it is not taken in good
9 faith."). An appeal is taken in "good faith" where it seeks review of at least one issue or claim
10 that is found to be "non-frivolous." *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th
11 Cir. 2002). An issue is "frivolous" where it "lacks an arguable basis either in law or in fact."
12 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Legally frivolous claims are those "based on an
13 indisputably meritless legal theory," such as claims against defendants who are immune from
14 suit or for infringement of a legal interest that clearly does not exist. *Id.* at 327.
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18 Plaintiff's claims were dismissed after careful review of her complaint and her response
19 to an Order to Show Cause. The Court concluded, and continues to conclude, that it lacks
20 subject matter jurisdiction over her claims, and that those claims are otherwise frivolous. The
21 time for filing an appeal based on that dismissal has long since expired. The Court's
22 subsequent Orders have largely been based on the Civil Rules and other procedural grounds,
23 and in any event the time for appealing many of those orders has also expired. The Court
24 believes that any appeal of Orders in this case necessarily lacks an arguable basis in law or in
25 fact.
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1 This Court cannot find that Plaintiff's appeal has been taken in good faith. The Court
2 maintains that, by its assessment of the Complaint, Plaintiff's appeal is clearly frivolous.
3 Accordingly, the Court hereby FINDS AND ORDERS that Plaintiff's in forma pauperis status
4 is REVOKED. The Court directs the clerk to provide a copy of this Order to the Ninth Circuit.

5 DATED this 20th day of October, 2023.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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